

REMARKS

Applicants appreciate the detailed examination evidenced by the Office Action mailed May 3, 2006 (hereinafter "Office Action"). Applicants have amended Claims 8 and 10 to correct minor typographical errors. Applicants respectfully traverse the § 112 rejection of Claims 8 and 27, as the Office Action appears to be misunderstanding the requirements of the cited MPEP § 2106. Applicants also respectfully traverse the rejections based on the cited combination of U.S. Patent No. 5,940,768 to Thro et al. (hereinafter "Thro") and U.S. Patent No. 6,278,708 to Von Hammerstein et al. (hereinafter "Von Hammerstein") because, among other things: Thro does not provide the teachings alleged in the Office Action; even if combined, the proposed combination of Thro would not provide the recitations of independent Claims 8, 12, 23, and 27 or the claims depending therefrom; and the Office Action fails to provide the evidence from the prior art of a motivation or suggestion to combine Thro and Von Hammerstein required to support the rejections.

The § 112 rejection

Claims 8 and 27 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Office Action appears to object to the terminology "a method of configuring" in Claim 8 and "a computer program product for configuring" in Claim 27, citing MPEP § 2106.II.C and alleging that these recitations "do not make positive meanings in the claims." Office Action, p. 2.

Applicants submit that the stated basis provided for the rejections of Claims 8 and 27 is vague and unsupported. The only reference to "positive" in the cited MPEP § 2106.II.C is the following passage:

While it is appropriate to use the specification to determine what applicant intends a term to mean, *a positive limitation from the specification cannot be read into a claim that does not impose that limitation*. A broad interpretation of a claim by Office personnel will reduce the possibility that the claim, when issued, will be interpreted more broadly than is justified or intended. An applicant can always amend a claim during prosecution to better reflect the intended scope of the claim.

This does not appear to be relevant to the basis provided in the Office Action. Furthermore, Applicants submit that Claims 8 and 27 are not indefinite, as the above-quoted recitations are merely portions from the preambles of these claims, and the claims include several positive

recitations that clearly define the claimed invention. Accordingly, Applicants request that the § 112 rejections of Claims 8 and 27 be withdrawn. Should a subsequent office action maintain these rejections, Applicants request that a more specific explanation for the rejection be provided.

Independent Claims 8, 12, 23 and 27 are patentable over Thro and Von Hammerstein

Independent Claims 8, 12, 23, and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Thro in view of Von Hammerstein. As an initial matter, Applicants note that independent Claims 8, 23 and 27 include recitation of a "MBDS" of a "CDPD communications system." Neither Thro nor Von Hammerstein provides any discussion of CDPD systems or components thereof and, for at least this reason, Applicants submit that independent Claims 8, 23 and 27 are patentable over the cited combination of Thro and Von Hammerstein. Applicants further submit that Thro and Von Hammerstein, whether taken individually or in combination, also do not disclose or suggest operations in non-CDPD environments that even roughly correspond to the recitations of Claims 8, 12, 23 and 27.

The Office Action states that Thro teaches "communicating a frame (information regarding operations of the transceiver) from a frame relay node . . . of a backbone network of the CDPD communications to the MBDS (transceiver 200) (see fig. 3, steps 301-306; configuring server transmits to the transceiver 200 information regarding a site identification assigned to the infrastructure receiver; see col. 5, col. 5, lines 30-40)." Office Action, p. 3. The material from Thro described in the Office Action does not correspond to the frame relay address assignment operations recited in Claim 8.

Rather, the cited material from column 5 of Thro relates to providing the RF communications system identification of the RF communications system in which the transceiver 200 is connected, and a site identification within the RF system, not the frame relay address of the transceiver. A network address of the transceiver 200 is transmitted from the transceiver 200 to the configuration server, but Thro does not disclose or suggest that this address is assigned by sending a frame to the transceiver. In particular, Thro states:

At step 302, the transceiver establishes communication with the configuration server and transmits the information regarding the transceiver to the configuration server using the configuration server's network address. In the case where the infrastructure transceiver has been initialized (step 301), a registration message, indicating to the

configuration server that the infrastructure transceiver is new to the system, is also included. Additionally, in order to facilitate communications with the configuration server, the information regarding the transceiver also preferably includes a network address for the infrastructure transceiver.

Thro, column 5, lines 16-30. The "initialization" of the infrastructure transceiver is described at column 5, lines 1-10:

At step 301, an infrastructure transceiver is initialized. In particular, the transceiver is connected to a network such that it can communicate with a configuration server. Also, any information regarding the infrastructure transceiver, not previously stored, may be entered into the transceiver's memory at the time of initialization. This additional information includes, but is not limited to: a network address for the communication system configuration server; the operating capabilities described above, if not previously entered at the time of manufacture; and, optionally, the geographic location coordinates for that transceiver.

Thus, Thro merely indicates that the network address assigned to the transceiver is "entered into the transceiver's memory," but does not provide any further description as to how this occurs. Thro clearly does not disclose or suggest any sort of frame relay address assignment that involves "communicating a frame from a frame relay node of a backbone network of the CDPD communications system to the MDBS" to assign a frame relay address for the MDBS.

Applicants agree with the Office Action's admission that Thro does not disclose using a DLCI in a frame received at a MDBS as a frame relay address for the base station. See Office Action, p. 3. In particular, as noted above, Thro does not disclose or suggest using data in a received frame to assign a network address. Furthermore, Thro does not disclose or suggest any use of DLCIs, for addressing or other purposes.

Applicants submit that Von Hammerstein does not provide these missing teachings. In particular, the Office Action cites column 1, lines 50-60 of Von Hammerstein as teaching "DLCIs are inserted in a frame relay packet to asset the packet's destination." Office Action, p. 3. This cited passage merely indicates that LAN stations 18a, 18b, 18c have associated DLCIs, and that packets second to such stations are addressed using the DLCIs, which does not teach or suggest "communicating a frame from a frame relay node of a backbone network of the CDPD communications system to the MDBS *to configure the MDBS to use the Data Link Connection Identifier (DLCI) in the frame as its frame relay address,*" as recited in Claim 8. Rather, similar to Thro, Von Hammerstein is silent as to how DLCIs are assigned to

the LAN stations 18a, 18b, 18c. Thus, the proposed combination of Thro and Von Hammerstein does not provide the teachings alleged and does not disclose or suggest all of the recitations of Claim 8.

The Office Action also fails to provide the requisite evidence from the prior art of a motivation to combine Thro and Von Hammerstein. In particular, the Office Action merely cites the above-described passage from Von Hammerstein and makes a conclusory statement that "it would have been obvious to assign an address such DLCI in Frame relay packet to a base station in order to use the DLCI as its frame relay address," without any indication as to where the prior art teaches or suggests the feasibility or desirability of such a modification of Thro. This is insufficient to support combining references under § 103.

For at least the foregoing reasons, Applicants submit that independent Claim 8 is patentable over the cited combination of Thro and Von Hammerstein. Applicants further submit that at least similar reasons support the patentability of independent Claims 12, 23 and 27. For example, for reasons similar to those discussed above, the combination of Thro and Von Hammerstein does not disclose or suggest, among other things, "a self-configuring frame relay interface operative to receive a frame from a frame relay node connected to the mobile data communications interface and to configure itself to use a Data Link Connection Identifier (DLCI) in the received frame as its frame relay address" as recited in independent Claim 12, "a self-configuring frame relay interface operative, responsive to receipt of a frame from the frame relay node, to configure itself to use a Data Link Connection Identifier (DLCI) in the received frame as a DLCI for the MDBS" as recited in independent Claim 23, or "program code for configuring the program code for providing communications between the MDBS and a frame relay node of a frame relay network to use a Data Link Connection Identifier (DLCI) in a packet received from the frame relay node of the frame relay network as an address for the MDBS" as recited in independent Claim 27.

The dependent claims are patentable

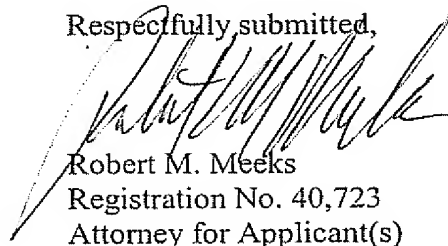
Applicants submit that dependent Claims 9-11, 15-18, 24-26 and 30-33 are patentable at least by virtue of the patentability of the respective ones of independent Claims 8, 12, 23 and 27 from which they depend. Applicants further submit that several of the dependent claims are separately patentable.

For example, Claim 9, which stands rejected as obvious over the combination of Thro and Von Hammerstein, recites "wherein communicating a frame from a frame relay node of a backbone network of the CDPD communications system to the MDBS to configure the MDBS to use the Data Link Connection Identifier (DLCI) in the frame as its frame relay address comprises communicating a Local Management Interface (LMI) frame from the frame relay node to the MDBS." In rejecting Claim 9, the Office Action cites column 6, lines 1-8 of Thro as teaching "the transceiver configures in response a request from the server the verify the operating condition" and asserts that "therefore, it would have been obvious that the transceiver of Thro et al. can be implemented to receive LMI (local management interface) frame." Office Action, p. 4. Respectfully, there is no basis in the cited art for this assertion. The cited passage from Thro relates to how the transceiver scans "its surrounding RF environment to derive information regarding RF operating circumstances proximal to the infrastructure transceiver." Thro, column 5, lines 62-64. This has nothing to do with assignment of a frame relay address and, in addition, the cited material from Thro includes no mention of LMI frames. For at least these reasons, Applicants submit that Claim 9 is separately patentable. Similar arguments support the separate patentability of Claim 24.

Conclusion

As all of the claims are now in condition for allowance, Applicants respectfully request allowance of the claims and passing of the application to issue in due course. Applicants urge the Examiner to contact Applicants' undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

Respectfully submitted,



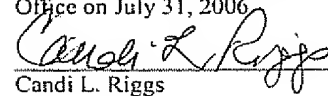
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